

**Subject:** Re: Sony v. Cox - Notices of Deposition  
**Date:** Wednesday, June 26, 2019 at 9:29:05 PM Eastern Daylight Time  
**From:** Jeff Gould  
**To:** Anderson, Sean R., Kerry Mustico  
**CC:** Golinveaux, Jennifer A., Lane, Thomas Patrick, Buchanan, Tom, Scott Zebrak, Matt Oppenheim, Jia Ryu  
**Attachments:** image001.jpg, image002.jpg, image003.jpg

Ok, thanks. Given the clear understanding that Mr. Walker's deposition is not occurring tomorrow, and the parties' plan to speak about these four depositions tomorrow (including Mr. Walker's), we will hold off on moving for a protective order for now.

Regards,  
Jeff

Jeffrey M. Gould  
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202.851.4526 (direct)  
[jeff@oandzlaw.com](mailto:jeff@oandzlaw.com)

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**From:** "Anderson, Sean R." <SRanderson@winston.com>  
**Date:** Wednesday, June 26, 2019 at 9:25 PM  
**To:** Jeff Gould <Jeff@oandzlaw.com>, Kerry Mustico <Kerry@oandzlaw.com>  
**Cc:** "Golinveaux, Jennifer A." <JGolinveaux@winston.com>, "Lane, Thomas Patrick" <TLane@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>, Scott Zebrak <Scott@oandzlaw.com>, Matt Oppenheim <Matt@oandzlaw.com>, Jia Ryu <Jia@oandzlaw.com>  
**Subject:** RE: Sony v. Cox - Notices of Deposition

We can use the following conference line:

Dial in: 866-384-6555  
Code: 1-212-294-5388

**Sean R. Anderson**

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**From:** Jeff Gould <Jeff@oandzlaw.com>  
**Sent:** Wednesday, June 26, 2019 6:23 PM  
**To:** Anderson, Sean R. <SRanderson@winston.com>; Kerry Mustico <Kerry@oandzlaw.com>  
**Cc:** Golinveaux, Jennifer A. <JGolinveaux@winston.com>; Lane, Thomas Patrick <TLane@winston.com>;

Buchanan, Tom <TBuchana@winston.com>; Scott Zebrak <Scott@oandzlaw.com>; Matt Oppenheim <Matt@oandzlaw.com>; Jia Ryu <Jia@oandzlaw.com>

**Subject:** Re: Sony v. Cox - Notices of Deposition

Yes, 1 ET tomorrow works.

Regards,  
Jeff

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**From:** "Anderson, Sean R." <[SRanderson@winston.com](mailto:SRanderson@winston.com)>  
**Date:** Wednesday, June 26, 2019 at 9:11 PM  
**To:** Jeff Gould <[Jeff@oandzlaw.com](mailto:Jeff@oandzlaw.com)>, Kerry Mustico <[Kerry@oandzlaw.com](mailto:Kerry@oandzlaw.com)>  
**Cc:** "Golinveaux, Jennifer A." <[JGolinveaux@winston.com](mailto:JGolinveaux@winston.com)>, "Lane, Thomas Patrick" <[TLane@winston.com](mailto:TLane@winston.com)>, "Buchanan, Tom" <[TBuchana@winston.com](mailto:TBuchana@winston.com)>, Scott Zebrak <[Scott@oandzlaw.com](mailto:Scott@oandzlaw.com)>, Matt Oppenheim <[Matt@oandzlaw.com](mailto:Matt@oandzlaw.com)>, Jia Ryu <[Jia@oandzlaw.com](mailto:Jia@oandzlaw.com)>  
**Subject:** RE: Sony v. Cox - Notices of Deposition

Jeff,

Are Plaintiffs available to meet and confer on this issue in addition to Plaintiffs' objections to Cox's recent discovery requests (subject of a separate email chain) tomorrow at 1:00 or 1:30 pm EST?

Thanks,  
Sean

**Sean R. Anderson**

**Associate Attorney**

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**From:** Jeff Gould <[Jeff@oandzlaw.com](mailto:Jeff@oandzlaw.com)>  
**Sent:** Wednesday, June 26, 2019 3:46 PM  
**To:** Kerry Mustico <[Kerry@oandzlaw.com](mailto:Kerry@oandzlaw.com)>; Anderson, Sean R. <[SRanderson@winston.com](mailto:SRanderson@winston.com)>  
**Cc:** Golinveaux, Jennifer A. <[JGolinveaux@winston.com](mailto:JGolinveaux@winston.com)>; Lane, Thomas Patrick <[TLane@winston.com](mailto:TLane@winston.com)>; Buchanan, Tom <[TBuchana@winston.com](mailto:TBuchana@winston.com)>; Scott Zebrak <[Scott@oandzlaw.com](mailto:Scott@oandzlaw.com)>; Matt Oppenheim <[Matt@oandzlaw.com](mailto:Matt@oandzlaw.com)>; Jia Ryu <[Jia@oandzlaw.com](mailto:Jia@oandzlaw.com)>  
**Subject:** Re: Sony v. Cox - Notices of Deposition

Sean – For the avoidance of doubt, these four depositions cannot proceed as noticed. There will be no

deposition of Mr. Walker tomorrow, nor can the others proceed as noticed. Throughout discovery, the parties have worked together cooperatively to find mutually agreeable dates for depositions. Contrary to that practice and without prior notice, Cox unilaterally noticed these four depositions for the last four days of discovery, with unreasonably short notice given the complexity of issues in the case. Even if the witnesses were available and the issues less complex, multiple other depositions are already scheduled throughout the country and world on those same days.

We're available to meet-and-confer on this issue to better understand your position given the timing of the notices in the context of this case and in an effort to avoid the need to move for a protective order.

Regards,  
Jeff

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**From:** Kerry Mustico <[Kerry@oandzlaw.com](mailto:Kerry@oandzlaw.com)>  
**Date:** Wednesday, June 26, 2019 at 11:05 AM  
**To:** "Anderson, Sean R." <[sranderson@winston.com](mailto:sranderson@winston.com)>, Jeff Gould <[Jeff@oandzlaw.com](mailto:Jeff@oandzlaw.com)>  
**Cc:** "Golinveaux, Jennifer A." <[JGolinveaux@winston.com](mailto:JGolinveaux@winston.com)>, "Lane, Thomas Patrick" <[TLane@winston.com](mailto:TLane@winston.com)>, "Buchanan, Tom" <[TBuchana@winston.com](mailto:TBuchana@winston.com)>  
**Subject:** Re: Sony v. Cox - Notices of Deposition

Sean:

This email serves as Plaintiffs' objections to Cox's notices for the depositions of Dennis Kooker, Jeff Walker, Audrey Ashby, and Andy Swan. Cox served its notices of deposition at 8:45 pm on June 19, giving less than 11 days' notice to Messrs. Kooker and Walker, and barely more than 11 days for Ms. Ashby and Mr. Swan. Cox's delay in seeking these depositions is inexcusable.

All four witnesses were identified in Plaintiffs' initial disclosures served more than six months ago. Moreover, Cox has known for two months that Plaintiffs were not designating three of the four individuals as 30(b)(6) designees. We informed you about the fourth, Ms. Ashby, nearly a month ago on May 30<sup>th</sup>.

Cox's delay is also inexcusable given that the notices were served less than two weeks before the end of discovery and when the parties are already double and triple-tracking depositions. In fact, we currently have three depositions scheduled for July 2 and Cox has proposed a fourth deposition in Lithuania on July 2—the same day Cox has noticed Mr. Swan's deposition. It's also worth noting that Cox initially objected to merely double-tracking the depositions of Messrs. Jang and Lehr on July 2.

While the deposition notices create no obligation on Plaintiffs given Cox's delay, we have endeavored to determine Ms. Ashby and Messrs. Kooker, Walker, and Swan's availability. Currently, we know that Ms. Ashby will be out of town next week because of a family medical issue and Mr. Kooker is traveling until July 8<sup>th</sup>. Even if the remaining deponents are available for prep and depositions on the noticed dates, which we have not been able to confirm yet, it is unlikely these depositions could go forward given the above.

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**From:** "Anderson, Sean R." <[SRanderson@winston.com](mailto:SRanderson@winston.com)>  
**Date:** Wednesday, June 19, 2019 at 8:45 PM  
**To:** Jeff Gould <[Jeff@oandzlaw.com](mailto:Jeff@oandzlaw.com)>, Kerry Mustico <[Kerry@oandzlaw.com](mailto:Kerry@oandzlaw.com)>  
**Cc:** "Golinveaux, Jennifer A." <[JGolinveaux@winston.com](mailto:JGolinveaux@winston.com)>, "Lane, Thomas Patrick" <[TLane@winston.com](mailto:TLane@winston.com)>, "Buchanan, Tom" <[TBuchana@winston.com](mailto:TBuchana@winston.com)>  
**Subject:** Sony v. Cox - Notices of Deposition

Jeff and Kerry,

Please see the attached.

Regards,

**Sean R. Anderson**

**Associate Attorney**

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